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8 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9

10 STATE OF CALIFORNIA, et al.,

Case No.: C 06-4333 PJH

11 Plaintiffs,

12 v.  
**PLAINTIFF STATE OF VERMONT'S  
NOTICE OF VOLUNTARY  
DISMISSAL**

13 INFINEON TECHNOLOGIES, AG, et al.,

Defendants.

14 Plaintiff, State of Vermont, pursuant to Fed. R. Civ. P. 41(a), hereby dismisses  
15 without prejudice the claims asserted by Plaintiff, State of Vermont, in the above entitled  
16 action against the following defendants: Infineon Technologies AG; Infineon  
17 Technologies North America Corp.; Hynix Semiconductor, Inc.; Hynix Semiconductor  
18 America, Inc.; Micron Technology, Inc.; Micron Semiconductor Products, Inc.; Mosel  
19 Vitelic, Inc.; Mosel Vitelic Corporation; Nanya Technology Corporation; Nanya  
20 Technology Corporation USA, Inc.; Elpida Memory, Inc.; Elpida Memory (USA) Inc.;  
21 and NEC Electronics America, Inc.

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A), a “plaintiff may dismiss an action without  
2 a court order by filing (i) a notice of dismissal before the opposing party serves either an  
3 answer or a motion for summary judgment.” Rule 41(a)(1)(B) further provides that “the  
4 dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Here, Defendants have not  
5 served Plaintiff, State of Vermont, with an answer or a motion for summary judgment.  
6

7 Moreover, pursuant to Fed. R. Civ. P. 23(e), court approval and notice of  
8 voluntary dismissal are required only of a “certified class.” The State of Vermont’s  
9 claims are not on behalf of a certified class.

10 WHEREFORE the Plaintiff, State of Vermont, voluntarily dismisses its claims  
11 without prejudice.

12 Respectfully submitted this 25<sup>th</sup> day of April, 2008.

13 STATE OF VERMONT

14 WILLIAM H. SORRELL  
15 Attorney General of Vermont

16 By: /s/ Jennifer A. Giaimo  
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